

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED

JUN 13 2011

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

UNITED STATES OF AMERICA

Case No. 6:99-cr-70054-6

v.

§ 2255 ORDER

CLAUDIO OTERO, JR.,  
Petitioner.

By: Hon. Norman K. Moon  
United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby

**ORDERED**

that Otero's motion (no. 493) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255; the Clerk shall **OPEN** a new action for this § 2255 motion; this new § 2255 action is **DISMISSED without prejudice** as a successive § 2255 motion; and the case is **STRICKEN** from the active docket of the court.

Further finding that Otero has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a Certificate of Appealability is **DENIED**.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the United States.

ENTER: This 13<sup>th</sup> day of June, 2011.

*Norman K. Moon*  
NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE